

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 20, 2010

PRESENT: Marshall, Cordeiro, Parella, Barboza, and Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor
Marshall J. Netto, Town Sergeant

ABSENT: None

The Council met in regular session on Wednesday evening, October 20, 2010, in the Town Hall, Council Chambers, beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

Special Recognition - Joan Doyle Roth

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall asked Councilman Barboza to read aloud and present the following proclamation to Joan Doyle Roth on behalf of the Town:

*State of Rhode Island and Providence Plantations
Town of Bristol
Proclamation*

Be it hereby known to all that:

WHEREAS, Joan Doyle Roth being a lifelong resident and good citizen of the Town of Bristol, a consummate musician, respected educator, and unparalleled volunteer; and

WHEREAS, Joan is known to all, and throughout her professional and personal life has graced her community with a willingness to share her many talents and interests and has given, without restraint, immeasurable time, energy, and enthusiasm, all for the benefit of her beloved Bristol; and

WHEREAS, whether conducting hundred-piece orchestra or enjoying a one-on-one conversation with someone who wants to know about her favorite Town, **Joan Doyle Roth** demonstrates the same ardent pride and wholehearted attention; and

WHEREAS, Joan's ideas and accomplishments have become Bristol's mainstays, including the Many Moods of Christmas, Concerts on the Common, the Interfaith Choir, the 4th of July Concert Series, Linden Place Tours, the list goes on. For decades, these activities have delighted our citizenry and enriched our community.

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NOW, THEREFORE, BE IT RESOLVED that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations do proclaim and by these presents further recognize the many achievements and continuing contributions of **Joan Doyle Roth** and, individually and collectively, and on behalf of all of the citizens of Bristol, offer their compliments and felicitations; and

BE IT FURTHER RESOLVED, that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations, by the authority vested in them, do further proclaim **Joan Doyle Roth** to be indeed a 'living treasure" in the Town of Bristol; and extend to her and her family the sincerest congratulations and best wishes of a proud community upon this most auspicious occasion.

In witness whereof we have hereunto set our hand and affixed the seal of the Town of Bristol on adoption this 20th Day of October, A. D. 2010.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Town Council Chairman
/s/ Raymond Cordeiro, Town Council Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman

Attest: /s/ Louis P. Cirillo, CMC, Council Clerk

After the reading and presentation of the Proclamation, Ms. Roth addressed the Council and thanked its honorable body for the recognition. She added that the Town of Bristol is "like family" and that she would never wish to live in a place where friendly hellos were not regularly exchanged.

Councilwoman Parella observed that the recognition was well deserved and that she was unaware of anyone more deserving of receipt of a congratulatory message from the Council during her (Councilwoman Parella's) many years in public service.

Council Chairman Marshall noted the recent U. S. Marine basic training graduation of Thomas Violet and Council Chairman Marshall's son, Anthony D. Marshall. Council Chairman Marshall also observed that this date is the younger Mr. Marshall's nineteenth birthday.

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Council Chairman Marshall noted that there were five-hundred graduates and also that the ceremonies were very impressive.

The Clerk, with the Council's indulgence, explained that the General Election was to be held on November 2, 2010 and also that there were materials available regarding the electoral ballot on the Town's website and also at Town Hall and at Rogers Free Library.

The Clerk also explained that the ballots requested by absentee voters had arrived at Town Hall and voters were welcome to come in and cast their votes.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Herreshoff - Voted
unanimously to approve the Consent
Agenda withholding agenda item R10
for further discussion.

Prior to the vote taken, Council Chairman Marshall asked that agenda item R10 might be withheld.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - September 29, 2010

Barboza/Herreshoff - Voted
unanimously to approve these
minutes as prepared and presented.

*** (Amend) 2. Town Council Executive Session (sealed -
Council only) - May 5, 2010 (supplemental)**

Cordeiro/Barboza - Voted
unanimously to unseal these
minutes.

Barboza/Cordeiro - Voted
unanimously to approve these
minutes as prepared and presented.

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

**Approval of consent agenda="Motion to receive and place
these items on file."**

1. Harbor Commission - September 13, 2010

2. Board of Fire Engineers - October 5, 2010

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3. Harbor Commission - October 4, 2010
4. Zoning Board of Review - September 13, 2010
5. Fourth of July Committee - August 4, 2010
6. Bristol County Water Authority Board of Directors - September 15, 2010
7. Bristol County Water Authority Public Relations/Personnel Committee - October 7, 2010
8. Bristol County Water Authority Audit Finance Committee - October 7, 2010
9. Bristol County Water Authority Engineering Committee - October 7, 2010
10. Conservation Commission - April 5, 2010
11. Conservation Commission - September 13, 2010

B. OLD BUSINESS

1. George Vezina, 193 State Street - request for a handicap parking space in vicinity of residence (193 State Street), **2nd reading for adoption**

Barboza/Cordeiro - Voted unanimously to consider this action to represent the Second Reading for the approval of a handicap parking space. Inform the Public Works Department.

2. Domenic Raiola, 45 Shore Road re flooding from recent storm (spring 2010), **continued from September 29, 2010**

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of November 10, 2010.

Prior to the vote taken, the Clerk reported that he had spent considerable time reviewing Mr. Raiola's voluminous file concerning this matter and had sent letters on Mr.

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Raiola's behalf to Governor Donald L. Carcieri and also to Senator Jack Reed and Congressman Patrick J. Kennedy.

Mr. Raiola thanked the Council for its assistance in this matter.

3. Raymond F. Brierly, d/b/a Bristol Kayak Center, 251 Thames Street - request for permission to park a trailer for the storage of kayaks, adjacent to the State Street boat ramp, from April 1st through October 31st,
continued from September 15, 2010

Barboza/Herreshoff - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Director of Community Development Williamson reported on a conversation she held with Mr. Brierly informing her that he has found a suitable location on private property to accommodate his needs.

4. Kerry Tyson, 30 Walley Street - request to designate Walley Street as a two-way street with a dead end at its intersection with Hope Street, **continued from September 15, 2010**
 - a. Recommendation - Town Administrator and Police Chief (supporting memoranda and photos re survey attached)
 - b. Recommendation - Director of Public Works

Barboza/Parella - Voted unanimously
to receive and place this matter on
file.

Prior to the vote taken, Town Administrator Mederos reported that the Town is working with the petitioner and that they are investigating ways to improve safety in the area while keeping the street with the currently ordained traffic pattern.

Councilman Herreshoff noted that inasmuch as the Council is sensitive to the concerns as provided by Ms. Tyson, he is aware that the creation of dead-end streets poses its own new problems.

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Ms. Tyson reported that she was pleased that the Town painted the previously noted improper stop line at Walley Street's intersection with Hope Street. She added, however, that a large event at the Lobster Pot Restaurant occurring recently resulted in many illegally and improperly parked vehicles.

Police Chief Canario reported that the Police Department has increased patrols in the area and that his objective is to educate the motorists prior to the issuance of summonses.

Ms. Tyson suggested that the Town might wish to install a "digital box" in order to clock traffic speed on the street since she is aware that many motorists travel too fast. She also suggested that the speed limit on the street might be adjusted downward since the street is very short.

Councilwoman Parella noted that the street is narrow and suggested that the Town may wish to install a sidewalk on one side. Ms. Tyson noted that there are many mature and attractive trees on the street and that the location of a sidewalk would be problematic in consideration of same.

Councilwoman Parella noted that the report from Police Lieutenant Burke was very thorough and complimented the Lieutenant for the report.

Police Chief Canario reassured the Council and Ms. Tyson that Walley Street was on the "watch list" and that his department would be paying close attention to the traffic situation on the street.

Ms. Tyson thanked the Council for its attention to this matter.

5. Town Solicitor Ursillo re memo in response to petition of Lois Castigliego Ferreira (heard on August 18, 2010) requesting amendment/enforcement of the Town Code concerning maintenance of vacant lots

Barboza/Herreshoff - Voted
unanimously to receive and place
this matter on file and also to
provide a copy of the Solicitor's
memorandum to Ms. Ferreira.

Prior to the vote taken, Town Solicitor Ursillo reported that he investigated the matter and found the current Town Ordinance to be sufficient insofar as control of the

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problems as identified by the petitioner. He added that there may be an issue of enforcement and that he discussed this matter with Code Compliance Coordinator Evans.

6. Town Solicitor Ursillo re memo concerning the conditional Victualling License granted (September 15, 2010) to Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street

It is hereby noted for the record that this matter was considered concurrently with agenda item G1 below.

Herreshoff/Cordeiro - Voted to amend the license granted (September 15, 2010) to Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street to delete the condition prohibiting hookah or other smoking activities and also to amend the hours of operation to include a closing time of 9:00 o'clock PM on Wednesdays. Voting in favor of this motion were Council Chairman Marshall, Councilman Cordeiro, Councilman Barboza and Councilman Herreshoff. Voting opposed was Councilwoman Parella.

Prior to the vote taken, Town Solicitor Ursillo reported that based upon the action at the last meeting concerning this matter, he researched the State regulations concerning "Hookah Bars" and found that the operation of same is according to the jurisdiction of the State Division of Taxation.

He further reported that the licensing of this particular establishment is predicated on a greater than fifty percent income coming from the sale of tobacco products and that this particular authority is not delegated to the various cities and towns by the State.

Councilwoman Parella noted that the granting of a license in the City of Newport was found to be newsworthy by the various media. She questioned as to why the media considered this to be newsworthy since the Newport City Council apparently had no authority. She added that the Council's obvious concern regarding the proliferation of the unhealthy practice of smoking should make the topic one worthy of further discussion with the local members of the General Assembly in the future.

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Town Solicitor Ursillo added that the State will monitor the establishment for compliance and also that the Town should monitor the establishment for compliance to local ordinances, etc.

Councilwoman Parella expressed further concern that the proposed hours of operation were particularly late and asked if the Council could limit these with Town Solicitor Ursillo responding that the proposed hours of operation were with those established by State Statute and that the Town could not further restrict these.

Council Chairman Marshall informed the applicant that the authority granted by the State in this case was a "great responsibility" and that the proposed establishment was located in a residential area. He added that should the customers of this proposed establishment become excessively noisy or otherwise unruly it would reflect directly upon the proprietor. He asked Mr. Jagne to reconsider his intention to remain open until one o'clock AM on Wednesday and Thursday evenings since these were work and school days.

Mr. Jagne informed the Council that he was willing to accommodate a nine o'clock PM closing time for Wednesday but that asking him to close early on Thursday evening was "pushing it."

Councilwoman Parella responded that she was of the opinion that the hours proposed by Mr. Jagne in consideration of the residential nature of the proposed premises and its surrounding neighborhood were unreasonable also. She speculated that voices and other noises emanating from those persons leaving the establishment in the late hours will resonate through the densely populated neighborhood and disturb the peace.

Councilman Barboza noted that he is troubled since the application of Mr. Jagne to the Council was not "up-front" concerning the establishment's primary business as smoking. He noted that Mr. Jagne stated that it was his intention to serve certain ethnic foods, etc. and never mentioned the word "smoking" in his application nor does it appear in the petition in support of his establishment as provided to the Council.

Councilwoman Parella agreed, noting that the petition uses the word "hookah" and that most persons are not familiar with the definition of the word.

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Councilman Cordeiro stated that he "has faith in Ardy" and that he considered the applicant to be of good character.

Council Chairman Marshall suggested that Mr. Jagne should make an effort to "educate" his customers concerning the fact that they will be exiting the establishment into a densely populated mostly-residential area and that they should respect the peace of others. He added that it would be in Mr. Jagne's best interest to assure that the customers are respectful.

7. Assistant Town Solicitor Teitz re resolution creating a Historic District Advisory Committee (drafted in regards to petition heard on July 28, 2010)

Barboza/Parella - Voted to adopt the resolution amended to change the membership to include five members appointed by the Town Council (three of whom owning real property in the National Register Historic District or the Bristol Historic District Zone), one member appointed by the Town Administrator, the Director of Community Development or her designee, one member of the Historic District Commission appointed by the Historic District Commission and one member of the Town Council; also that the Committee will be charged to complete its work and cease to exist on April 30, 2011, and instruct the Clerk to advertise for membership application in the local newspaper and Town website as soon as it is practicable. Voting in favor of this motion were Council Chairman Marshall, Councilwoman Parella, Councilman Barboza and Councilman Herreshoff. Councilman Cordeiro recused himself from the deliberations and vote.

Prior to the vote taken, Councilman Cordeiro recused himself from the matter and left the Council table. Council Chairman Marshall stated his goal that the Committee would finish its charge and present a final report within three months of

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appointment. A discussion ensued regarding this matter with Councilwoman Parella expressing concern that this may not be sufficient time for the Committee to thoroughly complete its task.

Council Chairman Marshall expressed concern that the resolution's call for nine members may be too many with Councilman Herreshoff asking to know what powers might be conferred upon the Committee via this resolution.

Town Solicitor Ursillo responded that the authority of the committee is solely advisory and that it is anticipated that any interim or final reports provided by the Committee would come in the form of recommendations to the Council for further action should an ordinance be required and also advisory to the Historic District Commission regarding practice.

Councilwoman Parella suggested that the Committee should examine Historic District Commission policy concerning the type of application that may be considered by the Commission. She added that the current application requirements are too broad and that the Commission should no longer review reversible landscaping matters.

Council Chairman Marshall stated that he was hopeful that the various parties would benefit from the educational aspects of this exercise.

Councilwoman Parella stated that the Commission should be offering workshops for those persons interested in making property improvements and that these should take place in the winter in preparation for spring improvement projects.

A discussion of changes to the resolution, as noted in the motion above, ensued.

After the vote taken, Council Chairman Marshall noted that the Council has been actively considering this matter for some time and that the proper construction of this type of resolution "does not take place overnight." He added that the "user-friendliness" of the Historic District Commission has been a goal of the Council since long-before it became a political issue.

8. Assistant Town Solicitor Teitz re memo in response to proposal of Ronald Rodrigues (heard on September 15, 2010) to establish local tax credits for historic properties

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Barboza/Parella - Voted unanimously to refer this matter to the Historic District Advisory Committee

9. Federal Energy Regulatory Commission (FERC), Office of Energy Projects re brochure providing an update on the Weaver's Cove Energy Bay Berth Project

Cordeiro/Parella - Voted unanimously to receive and place this matter on file and also to instruct Town Solicitor Ursillo to send a letter to the Federal Energy Regulatory Commission (FERC) on behalf of the Town regarding the matter of the anticipated increase of Town expense due to the planned bridge closures and related traffic issues.

Prior to the vote taken, Council Chairman Marshall noted that the "brochure" was provided to the various interested parties in consideration of the pending comment period. He added that he is informed that Weaver's Cove Energy did not file a requisite "proper vapor dispersion report."

He also added that FERC is now asking for comments and that the Town should remain vigilant during this process.

Town Administrator Mederos noted that the brochure did not include specifically the Town's concern, as raised by her departments, for public safety issues related to the proposed closure of the Mount Hope Bridge during LNG deliveries. She noted that this is of paramount concern since it involves the disruption of vehicular traffic throughout the Town and carries a cost both in emergency services personnel and also in local commerce. She suggested that the brochure should be placed on the Town's website and also that copies should be made available for public information.

BB. SPECIAL /STATUS REPORTS

1. Town Administrator Mederos re Department Head Reports
 - a. Water Pollution Control - June, 2010 through September, 2010

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- b. Community Development Block Grant (CDBG)
- July, 2010 to September, 2010
- c. Fire & Rescue - fiscal year (July), 2010
through September, 2010
- d. Public Works - May, 2010 through August,
2010 inclusive

*** (Amend)**

- 1. Public Works - September, 2010
- e. Building Inspection - May, 2010 through
September, 2010 inclusive
- f. Police - May 19, 2010 to October 15,
2010

Herreshoff/Cordeiro - Voted
unanimously to receive and place
this matter on file with thanks to
the suppliers of the reports.

Prior to the vote taken, Councilwoman Parella noted that she was interested to read the Public Works reports in that these provide statistics on the quantity of rubbish collected.

Council Chairman Marshall noted the recent "public safety day" which took place at the new Fire Department headquarters building. He added that the demonstrations were very informative with Councilwoman Parella adding that all in attendance appeared to be impressed by the new facility.

C. PUBLIC HEARINGS

- 1. Ordinance #2010-03, CHAPTER 28, Zoning,
Articles I through XI, Divisions 1 through 6,
Sections 28-1 through 28-411, (various
amendments to the Zoning Ordinance), **2nd
reading for adoption (continued from
September 15, 2010 concerning only proposed
Section 28-150 (j), Special use standards for
wind energy conversion systems)**
 - a. Nicholas Ratti, Jr., 28 Hydraulion
Avenue re correspondence in opposition
to wind energy

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- b. Nicholas Ratti, Jr., 28 Hydraulion Avenue re supplemental correspondence

It is hereby noted for the record that this matter was considered concurrently with agenda item D1.

Cordeiro/Barboza - Voted
unanimously to continue this matter
until November 10, 2010.

Prior to the vote taken, Council Chairman Marshall stated that the matter of this ordinance amendment may require a work session with the Council in agreement to decide upon a date for the work session at the November 10, 2010 meeting.

2. Alden Simons, d/b/a Li'l Ry's Consignments, 500 Metacom Avenue, Unit D - request for a Junk and Second Hand Dealer's License

It is hereby noted for the record that this matter was considered concurrently with agenda item G2.

Barboza/Parella - Voted unanimously
to close the public hearing.

Barboza/Cordeiro - Voted
unanimously to grant this license
per the recommendations received
and subject to conformance to all
laws and ordinances and payment of
all fees, taxes, and levies.

Prior to the votes taken, Council Chairman Marshall opened the Public Hearing.

Mr. Simons informed the Council of his intention to operate a resale shop.

There was no remonstrance presented in opposition to this petition.

3. Carolyn Aspinwall for East Bay Educational Collaborative, d/b/a The Sports Exchange, 22 Gooding Avenue, Unit 2 - request for a Junk and Second Hand Dealer's License

It is hereby noted for the record that this matter was considered concurrently with agenda item G3.

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Cordeiro/Herreshoff - Voted unanimously to close the public hearing.

Parella/Barboza - Voted unanimously to grant this license per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, Council Chairman Marshall opened the Public Hearing.

The petitioner explained that this shop will sell athletic equipment that is rehabilitated by students with disabilities.

Council members suggested that J. Alan Crisman may be helpful in helping establish the project as a business.

No remonstrance was presented in opposition to the petition.

D. ORDINANCES

1. Ordinance #2010-03, CHAPTER 28, Zoning, Articles I through XI, Divisions 1 through 6, Sections 28-1 through 28-411, (various amendments to the Zoning Ordinance), **2nd reading for adoption (continued from September 15, 2010 concerning only proposed Section 28-150 (j), Special use standards for wind energy conversion systems)** (see item C1-C1b also)

It is hereby noted for the record that discussion and action regarding this matter took place as part of agenda item C1.

2. Ordinance #2010-19, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking time limited in designated places, (one-hour parking spaces on Franklin and High Streets adjacent to 349 High Street), **2nd reading for adoption**

Barboza/Parella - Voted to consider this action to constitute the Second Reading for adoption of

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Ordinance #2010-19. Advertise in local newspaper. Voting in favor of this motion were Council Chairman Marshall, Councilwoman Parella, Councilman Barboza and Councilman Herreshoff. Councilman Cordeiro recused.

Prior to the vote taken, Councilman Cordeiro renewed his recusal concerning this matter.

3. Ordinance #2010-20, CHAPTER 10, Environment, Article II, Noise, Sections 10-33, Definitions and 10-41, Specific prohibited acts, **1st reading**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2010-20. Advertise in local newspaper.

Prior to the vote taken, Councilman Barboza reported that this ordinance proposal was recommended by the Noise Study Committee.

(CA) E. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor Spagnolo - Recommended Abatements & Additions for October, 2010
2. Tax Assessor Spagnolo - Recommended Abatements & Additions for October, 2010 (supplemental)

(CA) F. APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

1. Public Service Appointments
 - a. Christmas Festival Committee

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1. Antonio Teixeira, Chairperson,
Christmas Festival Committee re
proposed 2010-2011 membership list

Barboza/Parella - Voted unanimously
to confirm the appointment of the
members as recommended by the
Committee.

- b. Eastern Rhode Island Cooperative
Extension (to fill vacancy of 2006)

Cordeiro/Parella - Voted
unanimously to refer this matter to
the Clerk.

Prior to the vote taken, it was noted that this vacancy has occurred for some time. The Clerk explained that there have been several persons interested in the position and that these persons have been referred to the agency so as to determine the duties of the position; after which time the interested applicants have declined the position. The Clerk agreed to speak to the agency officials regarding this matter.

Council members observed that the Town did not provide a human resources grant to this agency during this fiscal year. It was also observed that perhaps the Town may no longer participate since it does not contribute to the programs.

- c. Waypoyset Trust (to fill vacancy, term
to expire January, 2012)

1. Ronald E. Roscoe, 1 Sousa Street -
interest/appointment

Cordeiro/Parella - Voted
unanimously to instruct the
Clerk to set an interview at a
convenient time.

- d. Historic District Commission

1. Anthony Margiotta, 736 Hope Street
- resignation

Barboza/Parella - Voted unanimously
to accept this resignation and to

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instruct the Clerk to send a letter of thanks for service.

After the vote taken, Council members suggested that the auxiliary member of the Commission might be elevated to the rank of full member. Councilwoman Parella noted that Mr. Margiotta had been an "open-minded and reasonable" member of the Commission and also that he was a "gentleman."

Councilman Barboza nominated Mr. Victor Cabral, currently the auxiliary member of the Historic District Commission for appointment as full member.

There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Cabral, term to expire in July, 2011 and also to advertise for the position of auxiliary member.

e. Economic Development Commission

1. Andrew Tyska, 99 Poppasquash Road - resignation

Cordeiro/Herreshoff - Voted unanimously to accept this resignation and to instruct the Clerk to send a letter of thanks for service.

After the vote taken, Council members suggested that the alternate member of the Commission might be elevated to the rank of full member. Council Chairman Marshall noted that Mr. Tyska had been a valued member of the Commission and that his departure was "a great loss."

Councilman Cordeiro nominated Peter Ferreira, currently the alternate member of the Commission for appointment as full member.

There were no further nominations.

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to cast one ballot in favor of

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Peter Ferreira, term to expire in September 2013.

- f. Redevelopment Agency (to fill vacancy, term to expire December, 2010)

- 1. Robert Aldrich, 7 Fox Hill Avenue
- interest/appointment

Councilman Herreshoff nominated Mr. Aldrich for appointment.

There were no counter-nominations.

Herreshoff/Parella - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Mr. Aldrich,
term to expire in December 2010.

- (CA)** 2. Public Service Appointments

G. LICENSING BOARD - NEW PETITIONS

- 1. Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street - Victualling License (review)
 - a. Debbie Luis, 64 Catherine Street, et al
- petition to allow Ardy Jagne to operate My Shisha Café of 261 Wood Street as a Hookah Lounge
 - b. Town Solicitor Ursillo re recommendation to review the conditional Victualling License granted to Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street (see item B6 also)

It is hereby noted for the record that the discussion and vote concerning this matter took place concurrently with agenda item B6 above.

- 2. Alden Simons, d/b/a Li'l Ry's Consignments, 500 Metacom Avenue, Unit D - request for a Junk and Second Hand Dealer's License (see item C2 also)

It is hereby noted for the record that the discussion and vote concerning this matter took place concurrently with agenda item C2 above.

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3. Carolyn Aspinwall for East Bay Educational Collaborative, d/b/a The Sports Exchange, 22 Gooding Avenue, Unit 2 - request for a Junk and Second Hand Dealer's License (see item C3 also)

It is hereby noted for the record that the discussion and vote concerning this matter took place concurrently with agenda item C3 above.

4. Michael J. Ferreira, d/b/a Gillary's, 198 Thames Street - request for a One-Day Sunday Dancing and Entertainment License (event to be held on October 31, 2010)

- a. Recommendation - Town Administrator and Police Chief

Barboza/Parella - Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

5. John DaSilva, d/b/a Up On The Roof Banquet Facility, 400 Metacom Avenue - request for a Dancing and Entertainment License

- a. Recommendation - Town Administrator and Police Chief

Barboza/Parella - Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies

6. Michael B. Siino and Stephen Blount, d/b/a Nacho Mamma's, 76 State Street - request for a BV Limited Intoxicating Beverage License (to proceed; call for public hearing December 8, 2010)

- a. Recommendation - Police Chief

Barboza/Cordeiro - Voted unanimously to instruct the Town Solicitor to prepare an amendment

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to the Alcoholic Beverage Ordinance to consider an additional Class BVL License for First Reading on November 10, 2010, and also to set a public hearing regarding this matter for December 8, 2010.

Prior to the vote taken, Town Administrator Mederos noted that she decided to withhold any recommendation until hearing from the petitioner.

Mr. Siino explained that his customers have asked for the opportunity to purchase wine or beer with their serving of food. He added that his initial business plan assumed that mostly college students would frequent his establishment but found that the greater share of business is derived from families.

He added that, if granted a license, he plans to voluntarily stop serving alcoholic beverages at 9:00 o'clock PM and also would impose a two-drink limit per patron.

7. Byron Ryner, d/b/a All Island Landscape, 2829 East Main Road, Portsmouth, RI - request for a Drainlayer's License

- a. Recommendation - Director of Public Works

Parella/Cordeiro - Voted unanimously to grant this license for a period of six (6) months per the recommendation received and subject to payment of all fees, taxes, and levies.

8. Chris Fonseca, d/b/a Chris Fonseca Construction Corporation, P.O. Box 1261 - request for a Drainlayer's License, **continued from January 6, 2010**

- a. Recommendation - Director of Public Works

Parella/Cordeiro - Voted unanimously to grant this license for a period of six (6) months per the recommendation received and subject to payment of all fees, taxes, and levies.

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H. LICENSING BOARD - RENEWALS

1. Courtney Poissant for Anthony Poissant, d/b/a Common Pub & Grill, 421 Wood Street - six (6) month review of Sidewalk Use License

- a. Recommendation - Town Administrator and Police Chief

Late Item

- b. Recommendation - Code Compliance Coordinator

Cordeiro/Parella - Voted unanimously to extend this license for a full term based upon the recommendations received (subject to renewal of Victualling License December 1, 2010) and subject to payment of all fees, taxes, and levies.

(CA) I. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

1. Water Pollution Control Superintendent Calderiso - Sewer Permits
2. Public Works Director Serbst - Road Cut Permits

J. PETITIONS - OTHER

1. Gerald P. Romano, Chairman, Bristol Housing Authority, 1014 Hope Street - request for abandonment of portions of Davis Place, Dittemore Avenue, Paull Street, Sheffield Avenue, Slattery Street, "Temporary Right-of-Way", **call for a public hearing on December 8, 2010**

- a. Recommendation - Fire Chief

Barboza/Cordeiro - Voted unanimously to schedule a public hearing regarding this matter for December 8, 2010 beginning at 7:00 o'clock PM.

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2. Frank J. Paulino, 52 Thompson Avenue - request for a handicap parking space in front of residence (52 Thompson Avenue), 1st reading

- a. Recommendation - Town Administrator and Police Chief
- b. Recommendation - Director of Public Works

Barboza/Parella - Voted unanimously to consider this action to constitute the First Reading of the request for a handicap parking space. Continue to November 10, 2010 for Second Reading.

- * (Amend)** 3. E. Keith Maloney, Chairman, Economic Development Commission - request for support of 2nd Annual Snowflake Festival sponsored by the Downtown Bristol Merchants Association

Barboza/Parella - Voted unanimously to authorize the closure of State Street between Hope and Thames Streets during the hours beginning 3:00 o'clock PM until 7:00 o'clock PM on the date of the "Snowflake Raffle" and also to grant \$1000 to the Downtown Merchants Association from the Council Contingency fund in order to offset the promotion and printing costs of the raffle.

Prior to the vote taken, Mr. Maloney suggested that the Council might appropriate \$1000 for this purpose and recommended this action as Chairman of the Town's Economic Development Commission.

Mr. Maloney added that the Commission is working with J. Alan Crisman on a "buy local" campaign. He added that unclaimed Snowflake Raffle tickets will be set aside for local charities so that these may also participate in the chance for raffle prizes.

Council Chairman Marshall suggested that the Snowflake Raffle might be promoted on the Town's website with Mr.

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Maloney agreeing to provide a digital version of the promotional materials to the Clerk.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. (Director of Community Development Williamson) re correspondence received by Craig S. D'Ambra concerning proposed open space donation of two (2) parcels of land located on Briar Road (paper street), Assessor's Plat 149, Lots 40 & 41
 - a. Director of Community Development Williamson and Principal Planner Tanner re recommendation to accept the above-mentioned open space donation

Cordeiro/Barboza - Voted unanimously to accept the open space donation based upon the recommendation received and also to instruct the Town Solicitor to prepare the proper documents regarding same.

Prior to the vote taken, Director of Community Development Williamson was pleased to report regarding this land donation, noting that the land is adjacent to Town-owned conservation land.

2. RI Department of Environmental Management re request of Joshua Securo to alter freshwater wetlands for the purpose of constructing a single-family residence on Peck Avenue (comments and/or objections to be received by November 22, 2010)

Cordeiro/Herreshoff - Voted unanimously to continue this matter until the meeting of November 10, 2010.

Prior to the vote taken, Town Administrator Mederos reported that Director of Community Development Williamson would likely have concerns regarding this development for Council consideration at the meeting of November 10, 2010. Town Administrator Mederos suggested that the matter might be continued until that time.

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3. (Sandra Matrone Mack, Bond Counsel) re Reimbursement Resolutions pertaining to the open space land acquisition for the Perry/Castro Farm project

- a. Town Treasurer Goucher re Reimbursement Resolution

Herreshoff/Cordeiro - Voted unanimously to adopt these resolutions as prepared and presented.

4. Councilwoman Parella re Christmas lights on lower State Street

Barboza/Parella - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Town Administrator Mederos reported that the budget for holiday lights may be sufficient to also accommodate an installation on lower State Street.

It is hereby noted for the record that this item was discussed immediately following agenda item J3.

L. BILLS & EXPENDITURES

1. Bid #704 - Design & Installation of Turn-Key Solar Array, Compost Facility (Amended Specifications and Dates), **continued from September 15, 2010**

Herreshoff/Parella - Voted unanimously to refer this matter to the Town Administrator and Water Pollution Control Superintendent to act in the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids as received:

ANC Consultants	East Greenwich, RI	\$640,125.00
Fall River Electrical	Fall River, MA	\$267,646.00
rTerra, LLC	Middletown, RI	\$293,512.50

2. Bid #714 - Drainage Maintenance/Restoration, St. Mary's Cemetery

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Cordeiro/Parella - Voted to refer this matter to the Town Administrator and the Public Works Director to act in the best interest of the Town. Voting in favor of this motion were Council Chairman Marshall, Councilman Cordeiro, Councilwoman Parella and Councilman Herreshoff. Councilman Barboza recused himself from the vote.

Prior to the vote taken, Councilman Barboza recused himself from this matter. The Clerk read the following bids as received:

D & D Construction Co.	W. Warwick, RI	\$ 69,000.00
William Anthony Excav.	N. Kingstown, RI	\$ 74,570.58
HK & S Construction	Newport, RI	\$ 95,000.00
JML Excavation, Inc.	Bristol, RI	\$ 56,738.00
C. B. Utility Co.	Bristol, RI	\$145,000.00

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

Approval of consent agenda="Motion to receive and place this item on file."

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, October 13, 2010

P. PROCLAMATIONS & CITATIONS

1. Proclamation - Rita P. Ayres-Gaulin, many years of service as Benjamin Church Senior Center Director

Herreshoff/Cordeiro - Voted unanimously to adopt this proclamation as prepared and presented.

Prior to the vote taken, Council Chairman Marshall read the following aloud:

*State of Rhode Island and Providence Plantations
Town of Bristol*

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Be it hereby known to all that:

WHEREAS, Rita P. Ayres-Gaulin is a resident and good citizen of the Town of Bristol, an enthusiastic and tireless professional, having provided her town - particularly its senior citizens - with exemplary service and advocacy for thirty-eight years; and

WHEREAS, Rita is known to all as the heart and soul of Bristol's Benjamin Church Senior Center, having captained this now-venerable institution since its earliest years; and

WHEREAS, the Benjamin Church Senior Center has flourished under **Rita's** expert guidance and leadership and the now century-old building is a shining star that more than successfully incorporates historic preservation with modern functionality; and

WHEREAS, during her many years as Senior Center Director, **Rita** has served generations of senior citizens; providing invaluable information and assistance, organizing myriad social occasions and activities, and giving of herself as counselor, activist, and friend.

NOW, THEREFORE, BE IT RESOLVED that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations do proclaim and by these presents further recognize the many achievements of **Rita P. Ayres-Gaulin**, and upon the occasion of her retirement, individually and collectively offer their compliments and felicitations; and

BE IT FURTHER RESOLVED, that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations, by the authority vested in them, do proclaim October 13, 2010 to be "**Rita P. Ayres-Gaulin Day**" in the Town of Bristol and extend to **Rita P. Ayres-Gaulin** and her family, friends, and associates the sincerest congratulations and best wishes of a grateful community.

In witness whereof we have hereunto set our hand and affixed the Seal of the Town of Bristol on adoption this thirteenth day of October, A. D. Two-thousand Ten.

/s/ Diane C. Mederos, Town Administrator

/s/ Kenneth A. Marshall, Town Council Chairman

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/s/ Raymond Cordeiro, Town Council Vice-Chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman
Attest: */s/ Louis P. Cirillo, CMC, Council Clerk*

2. Commendation - Manuel Rodrigues, 2010 "Man of the Year", Bristol Sports Club

Barboza/Cordeiro - Voted
unanimously to adopt this
commendation as prepared and
presented.

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and
filed by Council)

**Approval of consent agenda="Motion to receive and place
these items on file."**

1. Resolution re conveyance of property located
at 24 Verndale Circle to Generations, LLC
(signed copy)
2. Town Administrator Mederos to DaPonte's
Landscaping Services of Bristol, RI re award
of Bid #706 - Drainage Improvements, Cedar
Park Project (Fatima Drive)
3. Town Administrator Mederos to Yard Works,
Inc. of Warwick, RI re award of Bid # 705 -
2010 Fall Tree Planting
4. Council Clerk Cirillo to Public Works
Director Serbst, et al re handicap parking
space across from 82 Washington Street
5. Warrant - Peter Ferreira, First Alternate of
the Economic Development Commission
6. Coastal Resources Management Council - Semi-
Monthly Meeting, October 13, 2010
7. Town Administrator Mederos to Aquidneck
Construction, Inc. of Portsmouth, RI re award
of Bid #710 - Roadway Improvements, Thompson
Avenue
8. Frank J. Champi, Principal, Lefkowitz,
Garfinkel, Champi & DeRienzo P.C. to Town

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Administrator Mederos re correspondence concerning the request of Town Treasurer Goucher to delay commencement of audit fieldwork and the resignation of Joan M. Tracy, C.P.A./Senior Manager

9. Dan Beardsley, Executive Director, Rhode Island League of Cities and Towns re Gubernatorial Forum held on September 30, 2010 can be viewed at www.rileague.org
10. Don R. Boyce, Regional Administrator, Department of Homeland Security, Federal Emergency Management Agency Region 1 re approval of Town's Natural Hazard Mitigation Plan on September 30, 2010

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Council Chairman Marshall noted that the approval of this plan provides grant opportunities for the Town. He also congratulated Town Administrator Mederos and her staff for this achievement; known to be the first of its kind in Rhode Island.

Town Administrator Mederos reported that Director of Community Development Williamson has been asked to speak at a conference regarding this achievement.

11. William Leary, 9 Patricia Ann Drive to Jerry Meaney, Property Manager, North Farm Home Owner's Association, et al re disposal of landscaping materials and debris in Town's right of way
12. Coastal Resources Management Council - October 2010 Calendar (revised 10-5-2010)
13. Terrence Mercer, Associate Administrator, Division of Public Utilities and Carriers re request of Newporttravel, LLC to amend the start time of its Jitney tour service (public hearing to be held on October 15, 2010)
14. Michael Gerhardt, (Interim Executive Director, Mount Hope Trust in Bristol) re Board of Trustees' job description

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15. (Bristol County Water Authority) re BCWA in the News, Miscellaneous Correspondence October 2010

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS
(office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Bristol Warren Regional School District - Schedule of Meetings, Week of October 4, 2010
2. Bristol Warren Regional School District Policy/Community Affairs Subcommittee - October 4, 2010
3. Post Retirement Benefits Fund - Board of Trustees - October 5, 2010
4. Harbor Commission - October 4, 2010
5. East Bay Energy Consortium - October 4, 2010
6. Conservation Commission - October 4, 2010
7. Recreation Board - October 12, 2010
8. Bristol County Water Authority Public Relations/Personnel Committee - October 7, 2010
9. Bristol County Water Authority Audit Finance Committee - October 7, 2010
10. Bristol County Water Authority Engineering Committee - October 7, 2010
11. Bristol County Water Authority Board of Directors - October 13, 2010
12. Zoning Board of Review - November 1, 2010
13. North and East Burial Ground Commission - October 25, 2010
14. Bristol Warren Regional School District - Schedule of Meetings, Week of October 11, 2010

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15. Bristol Warren Regional School District
Personnel/Contract Negotiation Subcommittee -
October 13, 2010
16. Bristol County Water Authority - November
2010 Meetings
17. Bristol Warren Regional School District -
Schedule of Meetings, Week of October 18,
2010
18. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - October 18,
2010
19. Bristol Warren Regional School Committee
Future Enrollment & Facilities Task Force -
October 19, 2010
20. Bristol Warren Regional School Committee
Personnel/Contract Negotiation Subcommittee -
October 20, 2010

S. TOWN SOLICITOR

1. Assistant Town Solicitor Teitz re Town's
motions and supporting memoranda filed for
scheduled court hearings concerning Clipper
Way (documents received at meeting of
September 29, 2010)

Herreshoff/Cordeiro - Voted
unanimously to receive and place
this matter on file.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

- a. Mike Davis - Council Chairman Marshall
thanked Mr. Davis for filming this evening's
meeting and also Steve Roth for assisting Mr.
Davis.
- b. Election Day - Council Chairman Marshall
noted the approaching Election Day and encouraged
all to "take advantage of the right to vote." He
added that voting is an obligation and a
responsibility.

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c. Good Luck - Council Chairman Marshall wished all currently elected officials luck in the upcoming elections.

d. Birthday wishes - Council Chairman Marshall wished his son Anthony D. Marshall a happy birthday and noted that the younger Mr. Marshall is nineteen years old this date.

e. Bristol Industrial Park (500 Wood Street) - Council Chairman Marshall observed that the Mosaico Community Development Corp. recently took title to the Bristol Industrial Park; noting that this was a collaborative effort between the Town and Mosaico and that the new ownership will allow funding to support waste cleanup.

2. CORDEIRO

a. Right to Vote - Councilman Cordeiro encouraged all present to exercise their right to vote and also noted that it is not necessary for a voter to select five (5) Council candidates; that less than five (5) will be counted also.

b. Enjoyed Serving - Councilman Cordeiro noted that he enjoyed serving with his colleague Councilors.

3. PARELLA

a. Garfield Avenue - Councilwoman Parella noted a recent conversation with Garfield Avenue property owner Mary Gaspar, and further noted that Ms. Gaspar's issues concerning the springtime floods remain unresolved as these relate to the State Street Reservoir flood gate.

Town Administrator Mederos noted that she planned to have a report concerning this matter.

The Clerk agreed to place this matter on the next Council Docket.

b. Voting - Councilwoman Parella stated that the upcoming election was an important one. She added that the current Council members worked well together and offered her best wishes.

4. BARBOZA

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a. Mount Hope Trust - Councilman Barboza noted that the application period for Mount Hope Farm Executive Director would close on October 29, 2010. He added that there were over 400 visitors at the Farm's recent open-house community day.

b. *Tempus Fugit* - Councilman Barboza noted that this current Council term had passed quickly and further noted that "time flies." He added that it has been for him a pleasure to serve the people of Bristol as a member of the Council.

5. HERRESHOFF

a. Upcoming Election - Councilman Herreshoff noted the upcoming election and further noted that the members could share pride in their accomplishments. He added that it has for him been a pleasure to serve the Town of Bristol for twenty-eight (28) years and also that the "extremes of partisanship" had been goodly diminished and that he wished that the politics of Washington, D.C. was less partisan.

Councilman Herreshoff also informed those present that the ballot before the voters in Bristol was complicated and encouraged all to study the ballot in advance of Election Day.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Animal Shelter Prize - Town Administrator Mederos reported that the Animal Shelter received a \$500 prize for customer service and that the Shelter personnel were deserving of congratulations upon this accomplishment.

2. Flu Clinic - Town Administrator Mederos reported that the Town will offer a flu clinic in the Burnside Memorial Building and that those persons wishing to participate should provide an insurance card if possible.

3. Election - Town Administrator Mederos echoed the sentiments expressed by Council members regarding the good level of cooperative efforts crossing party lines and stated also that she was hopeful to continue the relationship for years to come.

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CITIZENS PUBLIC FORUM

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Herreshoff and voted unanimously, the Chairman declared this meeting to be adjourned at 10:40 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk